

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, July 18, 2016 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rod Bradley, Rhea Crane, Tony Dargatz, Steve Keszler, David Martinson. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Ronald Waterland.

Motion by Keszler, second by Martinson and carried with all members present voting yes to approve the agenda with the removal of (c) in reports.

Motion by Dargatz, second by Bachand and carried with all members present voting yes to go into executive session for two legal cases, two contracts and two personnel at 6:02 pm.

Motion by Bachand, second by Keszler and carried with all members present voting yes to return to regular session at 6:26 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Oath of Office was given to Rhea Crane, new councilperson for Ward 4, replacing Adam Martin.

Motion by Martinson, second by Anderson and carried with all member present voting yes to approve a contract with Discovery Communication LLC.

Informational Reports:

- Planning Commission – 7/6/16 Minutes
- Park Board – 6/16/16 Minutes

Announcements:

- The Ft. Meade VA will be having tours from 8:00 am to 11:00 am on July 22nd of their new surgical facility with ribbon cutting at 11:00 am.
- The Sturgis Community Center will be closing at 1:00 pm on Friday July 22nd for repairs.
- The Sturgis Police Cadets participated in the annual South Dakota Cadet Challenge this past weekend and won.

City Manager Ainslie reported:

- The budget numbers for the end of June 2016 are as follows: General Fund is at 45.5%; SST 41%; Capital Improvement 69%; BID 48%; Liquor 36%; Water 42%; Wastewater 39%; Sanitation 44% and Ambulance 46%.
- Payroll Changes – within budget:
 1. Planning & Permitting Dept – City Engineer – Elizabeth Wunderlich, PE - \$2,692.31; Rally Tattoo Inspector – Stacey Ross - \$13.00.
 2. Liquor Store Dept – Rally Stocker – Clay Lang - \$8.55 (\$10 during rally).
 3. Cemetery Dept – Seasonal – Jacob Berghorst, Adrienne Shideler - \$9.25 during rally; Joe Arguello - \$10.25 during rally.
 4. Parks Dept – Seasonal Employee – Rachel Brink, Isaac Doten. Haley Lambert, Chris Mullen, Ivan Reicher, William Sedlak - \$9.05 during rally; Donald Keil, Michael Sulzbach, Sharon Sulzbach, Preston Williams - \$10.00 during rally; Jacob Keffeler - \$10.25 during rally.
 5. Community Center – Rally Custodian – Josh Grosch - \$9.55; Lisa Dachtler, Sara Milek – \$10.00; Yolanda Daniels, Michael Huber, Larry Iverson - \$10.25.

6. Ambulance Dept – EMT-B – Heidi Schulz - \$10.00 (\$8.55 during orientation); Paramedic – Brian Owen - \$17.00 (\$8.55 during orientation).
 7. Fire Dept – Temp Fire Fighters – Shawn Barrows (Asst Chief), Lynn Lehrkamp, Scott Lensegrav, Cory Nelson - \$15.00; TBD - \$12.00.
 8. Water Dept – Seasonal Employee – Charles Rank - \$10.25 during rally.
 9. Recreation – Volunteer – Angela and Daniel Ainslie
- Social Media Comment Policy

Motion by Bradley, second by Bachand and carried with all members present voting yes to approve the following items on the consent calendar with the removal of (a) for discussion:

- a. ~~Consideration to approve the minutes from the July 5, 2016 regular council meeting and the July 8, 2016 special council meeting.~~
- b. Consideration to approve setting a public hearing on July 21, 2016 for the City of Sturgis-Sturgis Liquor Annex 2 for a Package Liquor License at 2216 Junction Ave.
- c. Consideration to approve setting a public hearing on July 21, 2016 for a change of legal description for the Malt Beverage, Wine Licenses for Grocery Mart at 2216 Junction Ave.
- d. Consideration to approve setting a public hearing on August 1, 2016 for a use on review for Cambridge Investments LLC to construct a 1,440 square foot storage unit on property located at 198 Old Stone Road.
- e. Consideration to approve setting a public hearing on August 1, 2016 for a use on review for Alvin Fabris dba Plains Towing and Recovery, LLC to use property he is leasing at 2879 Vanocker Road for a towing and recovery facility.
- f. Consideration to approve setting a public hearing on August 1, 2016 for a use on review for Robert Herman dba Enviroschild Products Inc to utilize a 1,000 square foot living area on the 2nd floor of a building located at 1204 Sturgis Street in the Industrial Park.

Motion by Bradley, second by Martinson to approve the minutes for the July 5, 2016 regular council meeting with the change to the minutes of who made the motion to approve Resolution 2016-36 from Bradley to Waterland and the July 8, 2016 special council meeting

Motion by Anderson, second by Bradley and carried with all members present voting yes to approve the following claims:

WAGES – Ambulance \$30,763.23; Attorney \$3500.02; Auditorium \$179.39; Buildings \$1079.39; Cemetery \$3068.95; City Manager \$4650.13; Community Center \$9964.97; Finance Office \$8572.71; Fire Department \$719.11; Human Resource \$2671.48; Library \$8349.23; Liquor \$7252.97; Mayor and Council \$3554.50; Parks \$17,164.06; Planning & Permitting \$4372.86; Police \$38,573.05; Rally \$4449.74; Recreation \$4067.09; Sanitary Service \$14,186.68; Streets \$14,825.33; Wastewater \$8124.62; Water \$12,711.47; Federal Withholding \$19,702.42; FICA \$14,759.07.

COMBINED CASH FUND – Lyle or Lea Ann Hendrickson, \$18.43, refund; Metroplains Management, \$35.00, refund.

GENERAL – A&B Business, \$201.76, sup; A&J Surplus, \$329.83, rep; Argus Leader, \$436.22, pub; BH Chemical, \$2,165.04, sup; BH Energy, \$18,182.30, util; BH Rally & Gold, \$1,079.14, sup; BH Urgent Care, \$288.00, prof fee; Bonnier Active Media, \$25,710.00, pub; Randy Brennick, \$30.00, other; Buckle Tree, \$3,822.05, other; Matt & Darla Burge, \$3,000.00, rent; Campbell Supply, \$1,953.67, sup; Caselle, \$1,479.00, prof fee; CBH, \$14,310.99, sup; City of Sturgis Water Dept, \$11,114.76, util; Coca Cola, \$734.04, sup; Kyle Cox, \$80.00, prof fee; CSE, Inc., \$1,328.06, promotion; Custom Products Corp; \$945.58, sup; Dakota Business Center, \$60.35, rep; Dakota Extinguisher & Safety, \$375.00, rep; Ecolab Pest Eliminator, \$202.48, rep; Eddies Truck Sales, \$97.42, rep; Epic Outdoor Advertising, \$2,300.00, rent; First Interstate

MasterCard, \$6,095.00; Freeman's Electric, \$685.28, rep; Great Western Tire, \$249.50, sup; Grimm's Pump & Industrial, \$14.90, sup; Grocery Mart, \$28.88, sup; Scott Hast, \$30.00, other; Phil Hook, \$189.20, refund; Jenner Equipment, \$96.64, rep; KT Connections, \$952.28, prof fee; Lacal Equipment, \$3,506.03, rep; Lynn's Dakotamart, \$680.74, sup; Monte Madison, \$14,300.00, prof fee; Russell Marino, \$189.20, refund; Meade County Auditor, \$16,102.87, other; Meade County Times Tribune, \$562.37, pub; Midco Business, \$41.97, util; Mobile Mini, \$83.97, rep; MDU, \$2,009.17, util; Motionsoft, \$450.00, prof fee; Chad Moyers, \$30.00, other; Pam Nash, \$60.66, rep; Neve's Uniforms, \$2,261.80, sup; Newkirk's Ace Hardware, \$95.98, sup; Newman Traffic Signs, \$653.25, sup; Northern Hills Vet Clinic, \$718.46, prof fee; Northwest Pipe Fittings, \$3,056.68, sup; Owen's Interstate, \$915.87, rep; Park Avenue Car Wash, \$30.40, sup; Print Mark-et, \$1,561.55, pub; Public Safety equipment, \$43.96, sup; Purchase Power, \$500.00, sup; Rapid Delivery, \$14.38, sup; Robert Sharp & Associates, \$1,286.00, pub; Rushmore Office Supply, \$799.54, sup; Servall, \$493.06, sup; Shopko Stores, \$327.03, sup; Signs Now, \$23,536.95, sup; Speedy Lube, \$71.65, rep; Jesse Stricherz, \$80.00, prof fee; Sturgis NAPA, \$693.75, rep; timeless Wedding & Event Rental, \$947.79, rent; Tow Tec Towing, \$300.00, sup; Traffic Safety Store, \$2,577.36, sup; VAST Business, \$2,017.93, util; Visible Difference Janitorial, \$2,200.00, rep; Katie Walker, \$5,500.00, rent; Weimer's Diner & Donuts, \$15.60, sup; West payment Center, \$160.32, prof fee; West River Electric Assn, \$480.87, util; Xtreme Dakota Bicycles, \$2,800.00, sup.

SPECIAL SALES TAX – Zambelli Fireworks Mfg, \$5,500.00, promotion.

CAPITAL IMPROVEMENTS – Affordably Creative Engineering, \$3,230.00; Campbell Supply, \$15.20.

BUSINESS IMPROVEMENT DISTRICT – Black Hills Energy, util, \$182.22; First Interstate Bank MasterCard, \$359.21, pub; MDU, \$15.23, util; Dwight Overweg, \$6,000.00, sup; Robert Sharp & Associates, \$151.25, pub; Matthew Stewart, \$424.13, sup; The Homeslice Group, \$234.00, pub; Tom's T's, \$1,409.80, sup; VAST Business, \$310.31, util.

TIF#11 SPM – Foothills Seed, \$122.00, other.

LIQUOR – Amcon Distributing, \$1,483.26, resale; Arctic Glacier USA, \$1,005.98, resale; BH Chemical, \$79.96, rep; Cask & Cork, \$232.99, resale; City of Sturgis Water Dept, \$309.26, util; CKM Kreations, \$680.00, resale; Coca Cola, \$1,496.95, resale; Eagle Sales of the BH, \$22,585.23, resale; Ecolab Pest eliminator, \$110.75, rep; First Interstate Bank MasterCard, \$1,015.90, travel; Fisher Beverage, \$6,863.45, resale; Johnson Western Wholesale, \$7,131.49, resale; KT Connections, \$67.93, prof fee; MDU, \$12.45, util; Okoboji Wines, \$917.00, resale; Pepsi Cola bottling, \$390.30, resale; Prairie Berry, \$1,917.00, resale; Print Mark-et, \$68.21, pub; Republic Beverage, \$28,265.55, resale; Rushmore Office Supply, \$379.01, sup; Servall, \$180.87, sup; Shopko Stores, \$11.99, rep; Southern Wine & Spirits, \$2,108.24, resale; The Homeslice Group, \$4,266.00, pub; Tom's T's, \$735.50, resale; VAST Business, \$289.70, util.

WATER – A&J Surplus, \$175.00, rep; Affordably Creative Engineering Services, \$7,160.00, cap imp; BH Energy, \$19,357.70, util; City of Sturgis Water Dept, \$118.25, util; First Interstate Bank MasterCard, \$19.97, sup; Mobile Mini, \$41.98, sup; MDU, \$110.08, util; Print Mark-et, \$68.21, pub; Sturgis NAPA, \$81.38, rep; VAST Business, \$136.34, utl.

WASTEWATER – American Engineering Testing, \$1,649.95, prof fee; Campbell Supply, \$79.87, rep; City of Belle Fourche, \$21,618.45, other; City of Sturgis Water Dept, \$21.48, util; J&D Precast, \$240.00, rep; KT Connections, \$67.93, prof fee; Owens Interstate Sales, \$22.31, rep; Print Mark-et, \$68.21, pub; Sturgis NAPA, \$69.84, sup.

SANITATION – A&J Surplus, \$71.64, rep; American Engineering Testing, \$1,831.65, prof fee; Black Hills Energy, \$14.48, util; Campbell Supply, \$68.94, rep; CBH, \$17.00, sup; Century Business Products, \$258.40, prof fee; City of Belle Fourche, \$21,618.45, other; Eddies Truck Sales, \$23.01, rep; First Interstate MasterCard, \$25.00, travel; Great Western Tire, \$3,160.04, sup; KT Connections, \$67.93, prof fee; Kieffer Sanitation, \$940.50, other; Motion Industries, \$193.99, rep; Owens Interstate Sales, \$854.58, sup; Print Mark-et, \$68.21, pub; Sturgis NAPA, \$165.10, rep.

AMBULANCE – Alkali Community Hall, \$83.34, util; Avera Education & Staffing Solutions, \$2,100.00, prof fee; BH Energy, \$652.85, util; BH Urgent Care, \$30.00, prof fee; CBH, \$1,930.27, sup; City of Sturgis Water Dept, \$370.62, util; Coca Cola, \$241.00, sup; Ecolab Pest Eliminator, \$38.22, sup; First Interstate Bank MasterCard, \$4,446.81, travel; Image Trend, \$450.00, prof fee; KT Connections, \$67.93, prof fee; Kreisers, \$2,279.88, sup; Lynn's Dakotamart, \$153.52, sup; MDU, \$27.87, util; Print Mark-et, \$68.21, pub; Rushmore Office Supplies, \$170.35, sup; Julie Schmidt, \$28.76, sup; Sturgis NAPA, \$143.84, sup; VAST Business, \$145.91, util.

Motion by Bradley, second by Anderson and carried with Carstensen, Anderson, Bradley, Crane, Dargatz, Keszler, Martinson voting yes, Bachand voting no, to approve a Use on Review for a daycare at 2911 1st Avenue for Nadine Bueno.

Motion by Bradley, second by Bachand and carried with all members present voting yes to approve a Variance of less than 100 feet of frontage at 955 Pine View Drive for Dogwood Lodge.

Motion by Bachand, second by Dargatz and carried with all members present voting yes to approve a Special Events license for Loud American Roadhouse/Sturgis Liquor Store at the Boulder Canyon Convention Center on August 9, 2016 for the Jack Daniel's fundraiser.

Motion by Bachand, second by Martinson and carried with all members present voting yes to approve a Special Events license for Royal Flush – Dungeon Bar at the Sturgis Fairground for the Half Mile Race on August 8th and 9th.

Motion by Anderson, second by Crane and carried with all members present voting yes to approve Resolution 2016-39 - a plat for 955 Pine View Drive for Dogwood Lodge.

RESOLUTION 2016-39 RESOLUTION APPROVING PLAT

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Dogwood Lodge, Inc.:

Plat of Lot C-1 and Lot C-2 of Vanocker Canyon Meadows Subdivision, Formerly Lot C of Vanocker Canyon Meadows Subdivision, Located in the W1/2SW1/4 of Section 15, T.5N., R.5E., B.H.M., City of Sturgis, Meade County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 18th day of July, 2016.

Published: 07/27/2016

Effective: 08/17/2016

Motion by Bradley, second by Anderson and carried with all members present voting yes to approve second reading of Ordinance 2016-06 – Title 32 – Animals.

ORDINANCE 2016-06
AN ORDINANCE AMENDING TITLE 32–ANIMALS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 32 –Animals –Chapter 32.01 General Provisions- Section 32.01.03 Penalty; Chapter 32.02 Miscellaneous- Section 32.02.18: Records, Section 32.02.20 Enforcement; Chapter 32.03 Dogs and Cats- Section 32.03.08: License Fee for Kennels be amended to read as follows:

TITLE 32
ANIMALS

Chapters:

32.01: General Provisions

32.02: Miscellaneous
32.03: Dogs and Cats
32.04: Vicious Animals

Chapter 32.01

GENERAL PROVISIONS

SECTIONS:

32.01.01: Scope and Purpose
32.01.02: Definitions
32.01.03: Penalty

32.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

~~In addition, an Animal Control Officer as defined in this Title, and a Code Enforcement officer as defined in Title 36, are authorized to issue an administrative citation for any violation of this Title. The administrative penalty shall be \$100 for a first violation, \$200 for a second violation within twelve months, and \$300 for a third violation within eighteen months. An appeal of any administrative citation issued under this Title shall follow the procedure for an administrative citation appeal as set forth in Chapter 36.04 of Title 36 of Sturgis City Ordinances.~~

Chapter 32.02
MISCELLANEOUS

SECTIONS:

32.02.01: Animal Shelter
32.02.02: Certain Animals Prohibited
32.02.03: Exceptions
32.02.04: Animals to be Impounded: Redemption

- 32.02.05: Chemical Immobilization
- 32.02.06: Cruelty to Animals: Generally
- 32.02.07: Teasing and Molesting
- 32.02.08: Killing, Injuring, or Poisoning Animals
- 32.02.09: Fights between Animals Prohibited
- 32.02.10: Abandonment
- 32.02.11: Rabies Control: Impounding for Observation
- 32.02.12: Keeping Rabid Animals
- 32.02.13: Report of Suspected Cases: General
- 32.02.14: Report of Suspected Cases: Veterinarians
- 32.02.15: Report of Suspected Cases: Physicians
- 32.02.16: Investigation
- 32.02.17: Interference
- 32.02.18: Records
- 32.02.19: Vicious, Ferocious, Venomous, or Dangerous Animals
- 32.02.20: Enforcement

32.02.18: RECORDS

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the licensing of, impounding, and disposition of all animals coming into their custody. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all monies collected by them, and promptly transfer and deliver all money or funds received to the Finance Office consistent with City policies. These records shall be open to inspection at all reasonable times by Police Department and Finance Office staff, and other persons ~~such person~~ responsible for similar records in the City. The records shall be audited annually in the same manner as other City records are audited. The City Manager ~~Council~~ may appoint another person to perform the duties under this Section.

32.02.20: ENFORCEMENT

The provisions of this title shall be enforced by the Animal Control Office and his duly appointed agents. All violations in this section may be investigated by the Police Department with possible criminal charges as well as administrative fees being filed.

In addition, an Animal Control Officer as defined in this Title, and a Code Enforcement officer as defined in Title 36, are authorized to issue an administrative citation for any violation of this Title. The administrative penalty shall be \$100 for a first violation, \$200 for a second violation within twelve months, and \$300 for a third violation within eighteen months. An appeal of any administrative citation issued under this Title shall follow the procedure for an administrative citation appeal as set forth in Chapter 36.04 of Title 36 of Sturgis City Ordinances.

Chapter 32.03 DOGS AND CATS

SECTIONS:

- 32.03.01: Rabies Certificate
- 32.03.02: Exemptions

- 32.03.03: Dogs, Cats, and Ferrets Running At Large
- 32.03.04: Impoundment and Disposition of Dogs, Cats, and Ferrets
- 32.03.05: Redemption or Destruction of Dogs, Cats, and Ferrets running at Large – untagged
- 32.03.06: Dogs with Destructive Habits
- 32.03.07: Kennels – License Required For
- 32.03.08: License Fee for Kennels
- 32.03.09: Kennel License – How Maintained
- 32.03.10: Barking Dogs

32.03.08: LICENSE FEE FOR KENNEL

License or annual renewal inspection fee shall be \$25.00 per year. The Sturgis Animal Control Officer shall do annual inspections and renewals as directed.

Dated this 18th day of July, 2016.

First reading: 07-05-16

Second reading: 07-18-16

Adopted: 07-18-16

Published: 07-27-16

Effective: 08-17-16

Roger Scheiman asked the Council if his concerns had been addressed on Rose Street Park, Lions Club Park and building in the flood zone. The projects in the Capital Improvement Program are still being discussed and a survey will be sent out to the neighborhood surrounding Rose Street Park. Mr. Scheiman also asked about an agreement that he thought the City had with Al Colton on Rose Park.

Motion by Bachand, second by Keszler and carried with all members present voting yes to adopt the City of Sturgis Capital Improvement Program.

Any other business:

Palmer Dahl stated his safety concerns about the bump outs in the 900 block and asked that they not allow the bump outs in the new construction of the rest of Main Street project.

Motion by Anderson, seconded by Martinson and carried with all members present voting yes to adjourn the meeting at 7:26 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$